

SENATE BILL 1066

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 1, relative to heritage protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-1-412(c)(8), is amended by adding  
a new subdivision:

(C) Upon receiving a final determination of the commission in which the  
commission grants the petition for a waiver, the public entity shall send a copy of the  
determination to the speaker of the senate and the speaker of the house of  
representatives. To become effective, a waiver must be approved by a joint resolution of  
the general assembly.

SECTION 2. Tennessee Code Annotated, Section 4-1-412(f)(2), is amended by deleting  
the final sentence of the subdivision and substituting instead:

Complaints must be filed within two (2) years of the alleged violation.

SECTION 3. Tennessee Code Annotated, Section 4-1-412(c)(2), is amended by adding  
the following to the end of the subdivision:

The public entity shall include with the petition for a waiver proof of the public entity's  
ownership of the memorial.

SECTION 4. Tennessee Code Annotated, Section 4-1-412, is amended by adding the  
following as a new subsection:

(1)

(A) It is unlawful for a person, firm, corporation, or other entity acting  
without authority to mutilate, deface, defile, abuse contemptuously, relocate,  
remove, conceal, or obscure a privately owned monument, plaque, marker, or

memorial that is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or the several states thereof, or the Confederate States of America or the several states thereof.

(B) A person or entity who suffers injury or damages as a result of a violation of subdivision ( ) (1)(A) may bring an action individually or in a representative capacity against the person committing the violation to seek injunctive relief and to recover general and exemplary damages sustained as a result of such person's or entity's unlawful actions.

(2) Notwithstanding any other law to the contrary, the statues currently on the second floor of the state capitol must never be altered, removed, concealed, or obscured in any fashion and must be preserved and protected for all time as a tribute to the bravery and heroism of the citizens of this state who suffered and died in their cause.

(3) A violation of subdivision ( ) (1)(A) or ( ) (2) is a Class C misdemeanor. If the offense is committed by an elected official, the violation is an impeachable offense and grounds for ouster. Public officials who violate this section are personally liable for damages, penalties, and fines.

SECTION 5. This act takes effect July 1, 2021, the public welfare requiring it.